

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of the
OPERATING ENGINEERS LOCAL
324 HEALTH CARE PLAN, et al.,

Plaintiffs,

v.

Case No. 15-cv-12498
HON. GEORGE CARAM STEEH

CRAWFORD PILE DRIVING,
LLC,

Defendant.

/

**ORDER GRANTING PLAINTIFFS' MOTION TO AMEND
JUDGMENT TO ADD ATTORNEYS' FEES (Doc. 19)**

On May 10, 2019, this court entered a stipulated Consent Order and Judgment reopening this ERISA and LMRA suit brought by Plaintiffs Board of Trustees of Operating Engineers Local 324 Health Care Plan ("Plaintiffs") for unpaid fringe benefit contributions and liquidated damages against Defendant employer Crawford Pile Driving, LLC. (Doc. 17). Judgment entered in the amount of \$89,582.06 which included unpaid contributions, interest, liquidated damages and attorneys' fees and costs through October 31, 2018. The stipulated Consent Order and Judgment granted Plaintiffs leave to file a motion for an Amended Judgment once the amount of attorneys' fees from November 1, 2018 was determined. Now

before the court is Plaintiffs' motion to amend the Judgment to add attorneys' fees from November 1, 2018 through June 30, 2019 in the amount of \$3,243.00.

The breakdown as to the amount of fees is as follows. Plaintiffs seek to recover for 15.9 hours worked by attorney Hope Calati at an hourly rate of \$190 per hour for 7.1 hours of work, and 8.8 hours at \$200 per hour for a total of \$3,109.00. Plaintiff also seeks \$134.00 for work performed by attorney Joseph Uhll for .8 hours of work at a rate of \$180.00 per hour. Defendant does not dispute the hourly rate, but argues the attorneys' fee award should be reduced by \$982 because the hours billed are allegedly excessive or outside the scope of this lawsuit. The court has carefully reviewed the time records submitted and finds that they are reasonable and within the scope of this lawsuit.

Plaintiffs also seek the immediate right of execution of the amount set forth in the Amended Judgment. Defendant opposes this provision and argues there is no reason to deviate from the 30-day automatic stay under Federal Rule of Civil Procedure 62(a). But the stipulated consent order reopening this case and entry of judgment entered on May 10, 2019, specifically provided that, "Plaintiffs shall have full and immediate rights of execution thereon." (Doc. 17 at PgID 113). Given this stipulation, the court

shall grant Plaintiffs the immediate right of execution of the Amended Judgment. Accordingly,

IT IS ORDERED that this court will enter an Amended Judgment against Defendant in the amount of \$87,825.06, which represents the \$89,582.06 previously ordered paid in the stipulated consent judgment, (Doc. 17), less that \$5,000 paid by Defendant, plus attorneys' fees and costs from November 1, 2018 through June 30, 2019 in the amount of \$3,243.

Plaintiffs are GRANTED full and immediate rights of execution of the Amended Judgment.

IT IS SO ORDERED.

Dated: August 8, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 8, 2019, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk